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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,621	10/24/2003	Timothy Ray Locascio	104195-0009	1503

24267	7590	10/31/2006	

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EXAMINER
GAUTHIER, GERALD

ART UNIT	PAPER NUMBER
2614	

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/693,621	LOCASCIO ET AL.
	Examiner	Art Unit	
	Gerald Gauthier	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *16 August 2006*.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-28* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-28* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2.   The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

1.   Determining the scope and contents of the prior art.
2.   Ascertaining the differences between the prior art and the claims at issue.
3.   Resolving the level of ordinary skill in the pertinent art.
4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

3.   This application currently names joint inventors. In considering patentability of

the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of

the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation

under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was

not commonly owned at the time a later invention was made in order for the examiner to

consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g)

prior art under 35 U.S.C. 103(a).

4.   **Claim(s) 1-28** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Shaw (US 2004/0158618 A1) in view of Hans et al. (US 2004/0199787 A1).

Regarding **claim(s) 1**, Shaw discloses a method of licensing and managing

media resources in a telecommunications system including a converged services

platform (paragraph 001), said method comprising the steps of:

creating a central pool storing resource points representing a license or

authorization level of media resource service capability (paragraph 0040) [The HLR as a

central point stored resources, which representing authorizations for subscriber to

access services].

Shaw fails to disclose dynamically allocating portions of said central pool to one

or more media resource cards.

However, Hans teaches dynamically allocating portions of said central pool to

one or more media resource cards, as needed to perform specific services for a

customer (paragraph 0037) [The capabilities list 113 is transferred to the card device

100 when loading an application program 111 to the card device 100].

Therefore, it would have been obvious to one of the ordinary skill in the art at the

time the invention was made to modify the invention of Shaw using the teaching of

transferring capabilities to a device card as taught by Hans.

This modification of the invention enables the system to dynamically allocate

portions of said central pool to one or more media resource cards so that the user would

access the communications system based on its privileges.

Regarding **claim(s) 2, 20 and 22**, Shaw discloses a method, further comprising the step of: storing in said central pool default and/or additional licensed resource points represented by a converged services platform (paragraph 0040).

Regarding **claim(s) 3, 11 and 23**, Hans teaches a method, wherein said allocating step allocates portions of said central pool to a particular media resource card for a specific media resource service (paragraph 0037).

Regarding **claim(s) 4, 12 and 28**, Shaw discloses a method, further comprising the step of: providing redundancy in the event a media resource card becomes unavailable by allocating additional portions of said central pool to remaining available cards (paragraph 0027).

Regarding **claim(s) 5, 13 and 24**, Shaw discloses a method, further comprising the step of: designating a specified number of resource points required to perform each media resource service available (paragraph 0032).

Regarding **claim(s) 6, 14 and 25**, Shaw discloses a method, further comprising the step of: determining a number of resource points needed to perform an application by multiplying a number of required media resource services by their corresponding number of required resource points (paragraph 0032).

Regarding **claim(s) 7, 15 and 26**, Shaw discloses a method, further comprising the step of: licensing additional resource points to a customer in the event that said resource points needed to perform an application are greater than said default resource points available (paragraph 0032).

Regarding **claim(s) 8 and 27**, Shaw discloses a method, further comprising the step of: notifying said customer that a license for additional resource points is needed in that event (paragraph 0032).

Regarding **claim(s) 9 and 16**, Shaw discloses a method, wherein said media resource service is selected from the group consisting of tone generation, tone detection, and recording/playback of Voice recorded announcements (paragraph 0032).

Regarding **claim(s) 10**, Shaw discloses a converged services platform (paragraph 0001), comprising:

a central pool storing resource points representing a license or authorization level of media resource capability, said central pool for storing default and/or additional licensed resource points represented by said converged services platform (paragraph 0040) [The HLR as a central point stored resources, which representing authorizations for subscriber to access services].

Shaw fails to disclose dynamically allocating portions of said central pool to one or more media resource cards.

However, Hans teaches one or more media resource cards for performing media

resource services (paragraph 0034) [Card device 100 comprises a memory 110]; and

a processor for dynamically allocating portions of said central pool to one or

more media resource cards, as needed to perform specific services for a customer

(paragraph 0037) [The capabilities list 113 is transferred to the card device 100 when

loading an application program 111 to the card device 100].

Therefore, it would have been obvious to one of the ordinary skill in the art at the

time the invention was made to modify the invention of Shaw using the teaching of

transferring capabilities to a device card as taught by Hans.

This modification of the invention enables the system to dynamically allocate

portions of said central pool to one or more media resource cards so that the user would

access the communications system based on its privileges.

Regarding **claim(s) 17**, Shaw discloses a converged services platform, further

comprising: cache memories programmed to cache voice recorded announcements

and/or other announcements for playback (paragraph 0032).

Regarding **claim(s) 18**, Shaw discloses a converged services platform, further

comprising: an associated tile server coupled with a network interface and said

processor, said file server storing said voice recorded announcements and other

announcements (paragraph 0032).

Regarding **claim(s) 19**, Shaw discloses a converged services platform (paragraph 0001), comprising:

means for creating a central pool storing resource points representing a license or authorization level of media resource service capability (paragraph 0040) [The HLR as a central point stored resources, which representing authorizations for subscriber to access services].

Shaw fails to disclose dynamically allocating portions of said central pool to one or more media resource cards.

However, Hans teaches means for dynamically allocating portions of said central pool to one or more media resource cards, as needed to perform specific services for a customer (paragraph 0037) [The capabilities list 113 is transferred to the card device 100 when loading an application program 111 to the card device 100].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Shaw using the teaching of transferring capabilities to a device card as taught by Hans.

This modification of the invention enables the system to dynamically allocate portions of said central pool to one or more media resource cards so that the user would access the communications system based on its privileges.

Regarding **claim(s) 21**, Shaw discloses a method for managing available resources of a telecommunications system having one or more media resource cards (paragraph 0001), the method comprising:

storing available resource points representing media resource service capability of the telecommunications system(paragraph 0040) [The HLR as a central point stored resources, which representing authorizations for subscriber to access services].

Shaw fails to disclose dynamically allocating portions of said central pool to one or more media resource cards.

However, Hans teaches dynamically allocating available resource points to the media resource cards in order to perform media resource services, as needed for a customer (paragraph 0037) [The capabilities list 113 is transferred to the card device 100 when loading an application program 111 to the card device 100].

Therefore, it would have been obvious to one of the ordinary skill in the art at the time the invention was made to modify the invention of Shaw using the teaching of transferring capabilities to a device card as taught by Hans.

This modification of the invention enables the system to dynamically allocate portions of said central pool to one or more media resource cards so that the user would access the communications system based on its privileges.

Response to Arguments

5.   Applicant's arguments with respect to **claim(s) 1-28** have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
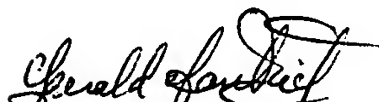
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GERALD GAUTHIER
PATENT EXAMINER

Gerald Gauthier
Primary Examiner
Art Unit 2614

GG
October 27, 2006